

FILED
UNITED STATES DISTRICT COURT
LAS CRUCES, NEW MEXICO

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO
LAS CRUCES DIVISION

OCT 27 2014

2 2:30pm
MATTHEW J. DYKMAN
CLERK

UNITED STATES OF AMERICA

v.

2:14-cr-01261-RB

PAWAN KUMAR JAIN

ORDER ON DEFENDANT'S MOTION FOR PSYCHIATRIC EXAMINATION

This matter comes before the Court pursuant to a motion of the defendant, Pawan Kumar Jain, by and through his attorneys, Jeffrey C. Grass and Mary Stillinger.

Upon consideration of the matters set forth in the attached motion, which is incorporated into and made a part hereof by reference, the Court finds as follows:

1. That the factual matters stated in Paragraphs 1 through 9 of the motion appear correct and establish reasonable cause as required by 18 U.S.C. §§4241(b) and 4242;
2. That pursuant to 18 U.S.C. §§4241(b) and 4242, a psychiatric examination of the defendant, Pawan Kumar Jain, should be ordered;
3. That the defendant, Pawan Kumar Jain, shall be responsible for the costs of such evaluation;
4. That pursuant to 18 U.S.C. § 3161(h)(1)(A), such time as is taken by the examination may properly be deemed excludable under the Speedy Trial Act.

IT IS THEREFORE ORDERED:

- (a) That the psychiatric examination ordered herein be for the purpose of determining whether the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that she is unable to understand the nature and consequences of the proceedings against her, or to assist properly in her defense.
- (b) That the psychiatric examination ordered herein shall also be for the purpose of

determining whether the defendant was insane at the time of the offense charged.

- (c) That the examination be conducted by a licensed and board certified psychiatrist as required by 18 U.S.C. § 4247.
- (d) That if the designated psychiatrist determines that a psychological examination is necessary to completely report to the Court, he/she is authorized to engage the services of a psychologist, provided that such psychologist be a licensed or certified clinical psychologist.
- (e) That upon completion of the examination as ordered herein, the examiner(s) prepare a full report, to include all of the following as required by 18 U.S.C. §4247(c):
 - (1) The defendant's history and present symptoms.
 - (2) A description of the psychiatric, psychological, and medical tests that were employed and their results.
 - (3) The examiner's findings.
 - (4) The examiner's opinion as to diagnosis, prognosis, and whether the defendant is suffering from a mental disease or defect rendering him mentally incompetent to understand the nature and consequences of the proceedings against him, or to assist properly in his defense as defined in 18 U.S.C. § 4241(a)
 - (5) Whether defendant was insane at the time of the offense charged.
 - (6) Any recommendation the examiner(s) may have as to how the mental condition of the defendant should affect any sentence he may receive.
- (f) That the report ordered herein be filed with this court and copies be provided to counsel for the defendant and Assistant United States Attorney, Sarah Davenport and Richard Williams, as provided for in 18 U.S.C. §4247(c).
- (g) That the defendant, Pawan Kumar Jain, shall be responsible for payment of all costs associated with the psychiatric examination as set forth in this Order.

The Court finds that the ends of justice serviced by the exclusion of the time necessary for this report outweigh the interest of the public and the defendant in a Speedy trial, and such period of delay is hereby excluded in computing the time within which the trial must begin, pursuant to the Speedy Trial Act, 18 U.S.C. §3161(h)(1)(A) and (h)(8)(A).

IT IS SO ORDERED.



ROBERT C. BRACK
UNITED STATES DISTRICT JUDGE